REMARKS

At the outset, the following claims have been copied from the following issued patents for the purpose of provoking an interference:

Claims 40-43	Claims 12, 13, 14 and 16 of U.S. Patent No. 6,290,391
Claims 44-50	Claims 1, 7, 8, 9, 13, 14 and 15 of U.S. Patent No. 6,347,885

Various apparent errors in the claims have been corrected during copying, as noted in the footnotes.

It is believed that an interference should be declared on four counts as follows:

1. Claim 40 herein;

2. Claim 43 herein;

3. Claim 44 herein; and

4. Claim 48 herein,

which correspond to the patent claims as identified above.

The claims are supported by the present specification, including drawings, as follows:

New Claim	Support in specification and drawings
40. The method of using a flexible package,	The method of using the bag 30 illustrated in Figure 25 and described from page 16, last line to page 17, line 7.
the flexible package comprising a package body defining an interior;	The bag 30 illustrated in Figure 25.

a zipper closure comprising a first mating profile and a second mating profile extending along a first edge of the package body, the zipper closure providing access to the interior;	Profiles 10 and 12 of Figure 25 form a zipper closure which is formed along the upper edge of package 30.
a slider device operably mounted on the zipper closure, the slider device interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and for disengaging the first mating profile from the second mating profile when[1] the slider device is moved in a second opposite direction, and	Slider 9 of Figure 25.
and a tamper-evident structure at least partially encasing the zipper closure;	Film extension 126 of Figure 25 at least partially encases profiles 10, 12.
the method comprising: (a) removing the tamper-evident structure from the flexible package; and	See page 17, lines 5-7.
(b) moving the slider device in said second direction to disengage the first and second mating profiles, thereby providing access to the package interior.	See page 17, lines 5-7.
41. The method according to claim 40,	See Claim 40 above.
wherein the step of removing the tamper-evident structure from the flexible package comprises: (a) removing the tamper-evident structure at an area of weakness.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form an "area of weakness".
42. The method according to	See Claim 41 above.

[1] Note: the claim from which this is copied, claim 12 of U.S. Patent No. 6,290,391 at line 10 uses the word "with" instead of "when", and at line 15 uses the term "a first" instead of "said second", which appear to be errors.

claim 41,	
wherein the step of removing the tamper-evident structure at an area of weakness comprises: (a) removing the tamper-evident structure at a perforation line.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form a "perforation line".
43. A method of making a package comprising	The method of making the bag 30 illustrated in Figure 25 and described from page 16, last line to page 17, line 7.
a package body defining a package interior;	The bag 30 illustrated in Figure 25.
a zipper closure comprising a first mating profile and a second mating profile extending along a first edge of the package body, the zipper closure providing access to the interior,	Profiles 10 and 12 of Figure 25 form a zipper closure which is formed along the upper edge of package 30.
a slider device operably mounted on the zipper closure, the slider device interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and for disengaging the first mating profile from the second mating profile when[2] the slider device is moved in a second opposite direction, and	Slider 9 of Figure 25.
a tamper-evident structure at least partially encasing the zipper closure;	Film extension 126 of Figure 25 at least partially encases profiles 10, 12.
the method comprising: (a) providing the package body having an interior surface and defining the package interior;	The bag 30 of Figure 25 includes a package body and an interior surface defining a package interior.
(b) attaching the zipper closure to the interior surface of the package body;	The zipper closure formed by profiles 10, 12 in Figure 25 is attached to the interior of the bag 30.

[2] Note: the claim from which this is copied, claim 16 of U.S. Patent No. 6,290,391 at line 10 uses the word "with" instead of "when", which appears to be an error.

(c) mounting the slider device onto the zipper closure;	Slider 9 in Figure 25 is mounted on the zipper closure formed by profiles 10, 12.
(d) forming the tamper-evident structure over the zipper closure and the slider device with the package body by:	Film extension 126 in Figure 25 is formed over the zipper closure formed by profiles 10, 12 and slider 9 (subject to the forming of the opening in step (ii) below).
(i) sealing the package body above the zipper closure;	The film extension 126 in Figure 25 is formed by sealing the package body above the zipper closure.
(ii) forming an opening in the tamper-evident structure in which the slider device resides;	In Figure 25, slider 9 resides in the left side-cut (which is an "opening") 122.
(iii) providing an area of weakness within the tamper-evident structure.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form an "area of weakness".
44. A flexible, reclosable package comprising:	The bag 30 illustrated in Figure 25 and described from page 16, last line to page 17, line 7.
(a) first and second panel sections defining an interior;	The bag 30 illustrated in Figure 25 has first and second panel sections defining an interior.
(b) a zipper closure sealed to each of first and second panel sections along a top edge, the zipper closure extending from a first side edge to a second side edge and comprising first and second mating profiles;	Profiles 10, 12 of Figure 25.
(c) a slider device constructed and arranged for mounting on the zipper closure and for interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and disengaging the first mating profile from the second mating profile when the slider device is moved in a second	Slider 9 of Figure 25.

opposite direction; the slider device being operably mounted on the zipper closure; and	
(d) a first tamper-evident structure disposed at the top edge and encasing a first portion of the zipper closure, the tamper-evident structure having an opening exposing the slider device,	The film extension 126 of Figure 25 forms a tamper-evident structure on the top edge of bag 30 which encases a portion of the zipper closure formed by profiles 10, 12. Leftmost side-cut 122 forms an opening which exposes slider 9.
the opening defined by the tamper-evident structure.	Left-most side-cut 122 of Figure 25 forms an opening which provides access to slider 9 and is defined by the film extension 126. It is noted that col. 3, lines 60-63 of U.S. Patent No. 6,347,885 (from which this claim was copied) states that "entirely defined" means "totally surrounded". Therefore, it follows that "defined" (as distinct from "entirely defined") encompasses "partially surrounded" (as distinct from "totally surrounded"). Further, this position is supported by the language of this claim regarding first and second panel sections *defining* an "interior" in that the interior is not "totally surrounded" by the panels when a mouth is formed in the package.
45. The package according to claim 44, wherein:	See claim 44 above.
(a) the slider device is positioned within the opening of the first tamper-evident structure.	Left-most side-cut 122 of Figure 25 forms an opening in film extension 126 in which slider 9 is positioned.
46. The package according to claim 44, further comprising:	See claim 44 above.
(a) an area of weakness extending along the first tamper-evident structure.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form an "area of weakness".

47. The package according to claim 46, wherein:	See claim 46 above.
(a) the area of weakness is a perforation line.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form a "perforation line".
48. A method of using a flexible package,	The method of using bag 30 illustrated in Figure 25 and described from page 16, last line to page 17, line 7.
the flexible package comprising a package body defining an interior;	The bag 30 illustrated in Figure 25 has a package body defining an interior.
a zipper closure extending along a first edge of the package body, the zipper closure comprising first and second mating profiles and providing access to the interior;	Profiles 10, 12 of Figure 25.
a slider device mounted on the zipper closure, the slider device interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and disengaging the first mating profile from the second mating profile when the slider device is moved in a second opposite direction; and	Slider 9 of Figure 25.
a tamper-evident structure encasing a first portion of the zipper closure,	The film extension 126 of Figure 25 forms a tamper-evident structure on the top edge of bag 30 which encases a portion of the zipper closure formed by profiles 10, 12.
the tamper-evident structure defining an opening that provides access to the slider device;	Left-most side-cut 122 of Figure 25 forms an opening which provides access to slider 9 and is defined by the film extension 126. It is noted that col. 3, lines 60-63 of U.S. Patent No. 6,347,885 (from which this claim was copied) states that "entirely defined" means "totally surrounded".

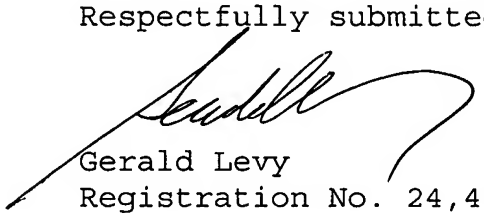
	Therefore, it follows that "defined" (as distinct from "entirely defined") encompasses "partially surrounded" (as distinct from "totally surrounded"). Further, this position is supported by the language of this claim regarding first and second panel sections *defining* an "interior" in that the interior is not "totally surrounded" by the panels when a mouth is formed in the package.
wherein the method comprises: (a) removing the tamper-evident structure[3] from the flexible package; and	Page 17, lines 5-7.
(b) moving the slider device in said second direction to disengage the first and second mating profiles, thereby providing access to the package interior.	Page 17, lines 5-7.
49. The method according to claim 48,	See claim 48.
wherein the step of removing the tamper-evident structure from the flexible package comprises: (a) removing the tamper-evident structure at an area of weakness.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form an "area of weakness".
50. The method according to claim 49,	See claim 49.
wherein the step of removing the tamper-evident structure at an area of weakness comprises: (a) removing the tamper-evident structure at a perforation line.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form a "perforation line".

[3] Note: claim 13, line 15, of U.S. Patent No. 6,347,885, from which this claim was copied, uses the term "tamper-evident

Applicant's effective filing date is earlier than the filing dates of U.S. Patent Nos. 6,290,391 and 6,347,885.

The Commissioner is authorized to charge any necessary fees to Deposit Account No. 50-1145, Order No. 500769.100649.

Respectfully submitted,



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structure device" in this location, and at line 17 uses the term "a first" rather than "said second", which appear to be errors.

APPENDIX

In the Claims:

Please add Claims 40-50 as follows:

40. (new) The method of using a flexible package, the flexible package comprising a package body defining an interior; a zipper closure comprising a first mating profile and a second mating profile extending along a first edge of the package body, the zipper closure providing access to the interior; a slider device operably mounted on the zipper closure, the slider device interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and for disengaging the first mating profile from the second mating profile when [with] the slider device is moved in a second opposite direction, and a tamper-evident structure at least partially encasing the zipper closure; the method comprising:

(a) removing the tamper-evident structure from the flexible package; and

(b) moving the slider device in [a first] said second direction to disengage the first and second mating profiles, thereby providing access to the package interior.

41. (new) The method according to claim 40, wherein the step of removing the tamper-evident structure from the flexible package comprises:

(a) removing the tamper-evident structure at an area of weakness.

42. (new) The method according to claim 41, wherein the step of removing the tamper-evident structure at an area of weakness comprises:

(a) removing the tamper-evident structure at a perforation line.

43. (new) A method of making a package comprising a package body defining a package interior; a zipper closure comprising a first mating profile and a second mating profile extending along a first edge of the package body, the zipper closure providing access to the interior, a slider device operably mounted on the zipper closure, the slider device interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and for disengaging the first mating profile from the second mating profile [with] <u>when</u> the slider device is moved in a second opposite direction, and a tamper-evident structure at least partially encasing the zipper closure; the method comprising:

(a) providing the package body having an interior surface and defining the package interior;

(b) attaching the zipper closure to the interior surface of the package body;

(c) mounting the slider device onto the zipper closure;

(d) forming the tamper-evident structure over the zipper closure and the slider device with the package body by:

(i) sealing the package body above the zipper closure;

(ii) forming an opening in the tamper-evident structure in which the slider device resides;

(iii) providing an area of weakness within the tamper-evident structure.

44. (new) A flexible, reclosable package comprising:

(a) first and second panel sections defining an interior;

(b) a zipper closure sealed to each of first and second panel sections along a top edge, the zipper closure extending from a first side edge to a second side edge and comprising first and second mating profiles;

(c) a slider device constructed and arranged for mounting on the zipper closure and for interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and disengaging the first mating profile from the second mating profile when the slider device is moved in a second opposite direction; the slider device being operably mounted on the zipper closure; and

(d) a first tamper-evident structure disposed at the top edge and encasing a first portion of the zipper closure, the tamper-evident structure having an opening exposing the slider device, the opening defined by the tamper-evident structure.

45. (new) The package according to claim 44, wherein:

(a) the slider device is positioned within the opening of the first tamper-evident structure.

46. (new) The package according to claim 44, further comprising:

(a) an area of weakness extending along the first tamper-evident structure.

47. (new) The package according to claim 46, wherein:

(a) the area of weakness is a perforation line.

48. (new) A method of using a flexible package, the flexible package comprising a package body defining an interior; a zipper closure extending along a first edge of the package body, the zipper closure comprising first and second mating profiles and providing access to the interior; a slider device mounted on the zipper closure, the slider device interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and disengaging the first mating profile from the second mating profile when the slider device is moved in a second opposite direction; and a tamper-evident structure encasing a first portion of the zipper closure, the tamper-evident structure defining an opening that provides

access to the slider device; wherein the method comprises:

(a) removing the tamper-evident structure [device] from the flexible package; and

(b) moving the slider device in [a first] said second direction to disengage the first and second mating profiles, thereby providing access to the package interior.

49. (new) The method according to claim 48, wherein the step of removing the tamper-evident structure from the flexible package comprises:

(a) removing the tamper-evident structure at an area of weakness.

50. (new) The method according to claim 49, wherein the step of removing the tamper-evident structure at an area of weakness comprises:

(a) removing the tamper-evident structure at a perforation line.